

July 15, 2019

VIA IZIS AND HAND DELIVERY

Anthony Hood, Chairman  
District of Columbia Zoning Commission  
441 4<sup>th</sup> Street, NW  
Suite 200-S  
Washington, DC 20001

**Re: Modification of Z.C. Order No. 746-C – Application of the George Washington University (the “University” or “Applicant”) for a Modification to a Planned Unit Development for 1959 E Street NW (Square 122, Lot 29) (the “Property”)**

Dear Chairman Hood and Members of the Commission:

On behalf of the University, we hereby submit this application to request approval of a Modification of the Planned Unit Development (“**1959 PUD**”) approved in the above-referenced case (the “**Order**”). The proposed modification relates to a condition of the approved 1959 PUD (the “**1959 Modification Application**”). The University plans to renovate Thurston Hall located at 1900 F Street NW, an undergraduate residence hall located on campus that currently provides approximately 1,080 beds for first-year students. In order to effectuate the renovation, the University requests this Modification of Significance for temporary relief from Condition 8 of the Order to allow second-year students to live at the Property during the two-year renovation period for Thurston Hall.

**I. Process**

Concurrently with this 1959 Modification Application, the University is filing a Modification of Significance application for the 2007 Foggy Bottom Campus Plan and related First-Stage Planned Unit Development (“**Campus Plan/PUD**”) (the “**Campus Plan/PUD Modification Application**”) and together with the 1959 Modification Application the “**Modification Applications**”). The University also intends to file a Further Processing Application for the renovation of Thurston Hall (the “**Further Processing Application**”) and together with the Modification Applications, the “**Applications**”). The University requests that the Commission consider the Applications together at a single public hearing so that a complete

overview of the University's plans can be presented in one hearing, and the process for considering the Applications can be streamlined moving forward.

## **II. Thurston Hall Renovations**

Thurston Hall, located at the intersection of 19<sup>th</sup> and F Streets NW, currently provides beds for approximately 1,080 first-year students. As the first residence hall for many University students, Thurston is an important component of their first-year student experience. However, Thurston has not been substantially renovated since the University acquired the property in the 1950s, and the building requires a comprehensive renovation to bring it into the 21<sup>st</sup> century. Therefore, the University is proposing a transformational renovation to enhance the residential experience at Thurston Hall through both a wholesale gut renovation that will reorganize the building's rooms, bathrooms, and common spaces as well as structural changes that will bring additional daylight and enhanced indoor and outdoor student gathering spaces. The Thurston Hall renovations are consistent with the Campus Plan's goals of "providing outstanding and state-of-the-art . . . student activity . . . facilities" and creating a "living and learning community" through housing. These renovations are essential to maintaining Thurston's foundational impact on so many first-year students.

Renovation and alteration work of the size and scope required for Thurston Hall cannot be accomplished while the residence hall is occupied, nor can it be accomplished during either summer or winter breaks, when less intensive renovation work is often done. Rather, the construction work is anticipated to require closure of the building for up to two academic years (with the closure commencing in summer 2020 and extending as long as summer 2022). The downtime for Thurston Hall will require adjustments to the current housing plan and as such, the University has developed a proposed temporary housing plan to address the temporary loss of Thurston's on-campus beds.

## **III. Temporary Housing Plan and Relationship to 1959 PUD**

Thurston Hall, as discussed above, houses approximately 1,080 undergraduates during their first year at the University. Due to the renovations, the University will re-house these first-year students at other on-campus residence halls. Specifically, the University will accommodate first-year students at existing residence halls on campus, either by increasing the number of beds within these residence halls or by converting them to first-year student housing.

Some of the residence halls that will be converted to house first-year students currently accommodate second-year students. The University intends to maintain its commitment under the Campus Plan/PUD to house all first and second year students on campus. In order to do so, the University would like to use the Property for second-year students. However, under the Order, the PUD's Condition 8 does not allow general housing of second-year students. **Therefore, the**

**University requests a temporary modification of this condition to allow second-year students to be housed at the Property.**

In order to accommodate the Temporary Housing Plan, the University requires relief from the following condition and proposes the below temporary condition:

- **Current Condition 8:** The University shall restrict residential occupancy in the project to juniors, seniors, graduate students, and students enrolled in an honors program.
- **Temporary Condition 8** (changes shown in **bold** text): The University shall restrict residential occupancy in the project to **sophomores**, juniors, seniors, graduate students, and students enrolled in an honors program.

The relief described above is requested only during the two-year period during which Thurston Hall is anticipated to be renovated (academic year Fall 2020 – Spring 2021, and Fall 2021 – Spring 2022). Beginning in Fall 2022, the above relief will terminate, and the associated condition will return to effect. If the renovation of Thurston Hall can be completed early, the temporary condition would cease at the time Thurston Hall reopens.

**IV. Consistency with 1959 PUD**

***A. Standard of Review***

The 1959 PUD was approved under the 1958 Zoning Regulations, as amended. The 1959 Modification Application, as set forth in 11-A DCMR §102.4, will be processed under the 2016 Zoning Regulations and evaluated under the 2016 Zoning Regulations for the requested changes. Generally, modifications of significance to a PUD shall meet the requirements for approval of a PUD. 11-Z DCMR § 704.3; *See also*, 11-X DCMR §304. The review of the modification is “limited to impact of the modification on the subject of the original application.” 11-Z DCMR §704.4. Section 704.4 also notes an intent by the Commission to not “revisit its original decision” in a modification of significance. As set forth below, the 1959 PUD Modification Application satisfies the requirements of the Zoning Regulations for review and approval of a modification of significance to the 1959 PUD.

The evaluation of a modification of significance is generally limited to the impact of the modification on the original 1959 PUD. Here, the modification is temporary, limited in its extent, and does not materially impact the planning, uses, amenities, benefits, and impacts that formed the basis of the Commission’s prior determination that the 1959 PUD complied with the overall PUD evaluation standards. In other words, the 1959 Modification Application continues to comply with the evaluation standards as outlined in the Order, including:

- The determination that the 1959 PUD is consistent with the present character of the area;
- The conclusion that the 1959 PUD provides a more attractive and efficient overall planning and design not achievable under matter-of-right development; and
- The consistency of the 1959 PUD with the Comprehensive Plan and other adopted policies.

### ***B. Evaluation***

As detailed above, the Temporary Housing Plan, including the modification needed to Condition 8, does not undermine the overall 1959 PUD.

First, the existing Condition 8 allows a variety of students to live at the Property, including juniors, seniors, graduate students, and honors students irrespective of class level. Based on this variety of students, the temporary addition of sophomores to this demographic is highly unlikely to have a discernable impact on the surrounding area.

Additionally, while there will be an addition of some second-year students to the Property where they are not currently housed, this will be accompanied by the loss of approximately 1,000 first-year students in the same block during the Thurston renovation. This change in population will therefore net similar, if not less impactful, results between the existing conditions and the temporary modified condition.

Finally, the revised Condition 8 is temporary and will revert back to the existing condition after the two-year renovation period for Thurston Hall. Therefore, such a limited period of time will not significantly impact the surrounding community or change the conclusions of the 1959 PUD.

Therefore, because the 1959 Modification Application is consistent with the originally-approved 1959 PUD, this application meets the evaluation requirements for Commission approval.

### **V. Exhibits**

Included with this application are the following materials:

<u>Exhibit A</u>	Application Form
<u>Exhibit B</u>	Authorization Letter
<u>Exhibit C</u>	Surveyor's Plats
<u>Exhibit D</u>	Order
<u>Exhibit E</u>	Zone Map Showing Location of Proposed Housing Sites
<u>Exhibit F</u>	Certification of Notice of Intent
<u>Exhibit G</u>	Property Owner List

Also included are the address labels and a check for \$520, the filing fee for this application.

**VI. Conclusion**

The University requests that the Commission consider the 1959 Modification Application and the Campus Plan/PUD Modification Application together and set the modifications down for a public hearing at the earliest possible date. Please feel free to contact Dave at (202) 721-1137 or Meghan at (202) 721-1138 if you have any questions regarding this application.

Sincerely,



David M. Avitabile



Meghan Hottel-Cox

Enclosure  
DA:mhc

**Certificate of Service**

The undersigned hereby certifies that copies of the foregoing document will be delivered by first-class mail or hand delivery to the following addresses on July 15, 2019.

**Office of Planning**

Jennifer Steingasser  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[jennifer.steingasser@dc.gov](mailto:jennifer.steingasser@dc.gov)

With a copy to:  
Matthew Jesick, OP  
[matthew.jesick@dc.gov](mailto:matthew.jesick@dc.gov)

**District Department of Transportation**

Anna Chamberlin  
55 M Street SE, 4<sup>th</sup> Floor  
Washington, DC 20003  
[anna.chamberlin@dc.gov](mailto:anna.chamberlin@dc.gov)

With a copy to:  
Aaron Zimmerman, DDOT  
[aaron.zimmerman@dc.gov](mailto:aaron.zimmerman@dc.gov)

**ANC 2A**

c/o West End Library  
2301 L Street NW  
Washington, DC 20037  
[2A@anc.dc.gov](mailto:2A@anc.dc.gov)

**ANC 2A01**

Patrick Kennedy  
532 20th Street NW #312  
Washington, DC 20006  
[2A01@anc.dc.gov](mailto:2A01@anc.dc.gov)

**ANC 2A06**

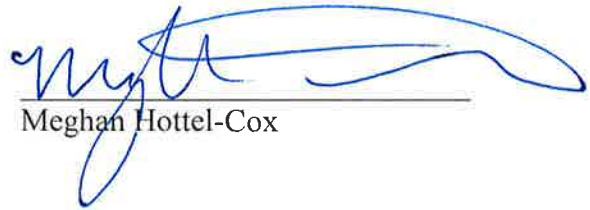
Jeri Epstein  
1111 23rd Street NW Apt. PH1F  
Washington, DC 20037  
[2A06@anc.dc.gov](mailto:2A06@anc.dc.gov)

**West End Citizens Association**

c/o Barbara Kahlow  
800 25<sup>th</sup> Street, NW #704  
Washington, DC 20037

**President, Foggy Bottom Association**

c/o Marina Streznewski  
904 New Hampshire Avenue NW  
Washington, DC 20037



Meghan Hottel-Cox

# EXHIBIT A

**Form 103**

(Revised 06/01/2016)



**BEFORE THE ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA**



**FORM 103 – PLANNED UNIT DEVELOPMENT (PUD)**

In accordance with the provisions of Subtitle X, Chapter 3 or Subtitle Z, §704 – Zoning Regulations, request is hereby made for a PUD, details of which are as follows: as follows:

Please Select:  1st-Stage  2nd-Stage  Consolidated  Modification of Significance

Square No.	Lot No.	Square Feet	Existing Zoning	Requested Zoning
122	29	30,244	C-3-C	C-3-C

Address or boundary description of the premises: 1959 E Street NW

Total area of the site in square feet: 30,244 Total area of the site in acres: .69

Brief description of proposal: See attached statement.

Date NOI sent: 4/19/19 How NOI Sent:  U.S Mail  E-mail  Other

Advisory Neighborhood(s): ANC 2A 01 Date presented at ANC(s):

If applicable, Historic District(s) in which site is located: N/A

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.  
(D.C. Official Code § 22-2405)

Owner's Signature: *Dave Avitabile /no* Date: 7/11/19

Owner's Name: David M. Avitable on behalf of The George Washington University

**Person(s) to be notified of all actions:**

Name: David Avitabile, Esq., Goulston & Storrs

Address: 1999 K Street NW, Suite 500, Washington, DC Phone No(s): 202-721-1137

Zip Code: 20006 E-Mail: davitabile@goulstonstorrs.com

**ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.**



# **EXHIBIT B**

July 10, 2019

D.C. Zoning Commission  
441 4th Street, N.W.  
Suite 200S  
Washington, DC 20001

**Re: George Washington University – Thurston Hall Renovations and Related Modifications to the Campus Plan / PUD and 1959 E Street PUD Applications to the Zoning Commission for Approval – Letter of Authorization**

Honorable Members of the Commission:

As a duly authorized representative of George Washington University (“GWU”), the owner of property located in the GWU campus (the “Property”), I hereby authorize the law firm of Goulston & Storrs to file zoning applications for the Property and appear at all proceedings before the Zoning Commission on behalf of the undersigned owner concerning the above-referenced applications.

Respectfully Submitted,



Alicia Knight  
Senior Associate Vice President for Operations  
The George Washington University

# EXHIBIT C

DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR

Washington, D.C., April 17, 2019

Plat for Building Permit of: SQUARE 122 LOT 29

Scale: 1 inch = 40 feet

Recorded in Book 193 Page 195

Receipt No. 19-04463 Drawn by: L.E.S.

Furnished to: DIANA HERNDON

"I hereby certify that the dimensions and configuration of the lot(s) hereon depicted are consistent with the records of the Office of the Surveyor unless otherwise noted, but may not reflect actual field measurements. The dimensions and configuration of A&T lots are provided by the Office of Tax and Revenue and may not necessarily agree with the deed description(s)."

I hereby certify that on this plat on which the Office of the Surveyor has drawn the dimensions of this lot, I have accurately and completely depicted and labeled the following:

- 1) all existing buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, and any existing face-on-line or party wall labeled as such, well as projections and improvements in public space - with complete and accurate dimensions;
- 2) all proposed demolition or raze of existing buildings duly labeled as such; all proposed buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, any existing face-on-line or party wall labeled as such, as well as projections and improvements in public space and the improvements used to satisfy pervious surface or green area ratio requirements - with complete and accurate dimensions, in conformity with the plans submitted with building permit application \_\_\_\_\_; and
- 3) any existing chimney or vent on an adjacent property that is located within 10 feet of this lot.

I also hereby certify that:

- 1) my depiction on this plat, as detailed above, is accurate and complete as of the date of my signature hereon;
- 2) there is no elevation change exceeding ten feet measured between lot lines; or if so, this elevation change is depicted on a site plan submitted with the plans for this permit application;
- 3) I have/have not (*circle one*) filed a subdivision application with the Office of the Surveyor;
- 4) I have/have not (*circle one*) filed a division of lots application with the Office of Tax & Revenue; and
- 5) if there are changes to the lot and its boundaries as shown on this plat, or to the proposed construction and plans as shown on this plat, that I shall obtain an updated plat from the Office of the Surveyor on which I will depict all existing and proposed construction and which I will then submit to the Office of the Zoning Administrator for review and approval prior to permit issuance.

Plats issued by the Office of the Surveyor will be valid for a period of two years from the date of issuance. I acknowledge that any inaccuracy or errors in my depiction on this plat will subject any permit or certificate of occupancy issued in reliance on this plat to enforcement, including revocation under Sections 105.6(1) and 110.5.2 of the Building Code (Title 12A of the DCMR) as well as prosecution and penalties under Section 404 of D.C. Law 4-164 (D.C. Official Code §22-2405).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Relationship to Lot Owner: \_\_\_\_\_

If a registered design professional, provide license number \_\_\_\_\_ and include stamp below.

\_\_\_\_\_  
Surveyor, D.C.

20th STREET, N.W.

97.04

311.667

29

311.667

97.04

19th STREET, N.W.

E STREET, N.W.

0 10 30 60 100



SCALE: 1:40

# EXHIBIT D

OFFICE OF DOCUMENTS  
AND ADMINISTRATIVE ISSUANCE

Government of the District of Columbia  
OFFICE OF ZONING

2002 AUG 9 10:34



MEMORANDUM

**TO:** Arnold R. Finlayson, Administrator  
Office of Documents and Administrative Issuance

**FROM:** Alberto P. Bastida, AICP *APB*  
Secretary to the Zoning Commission

**DATE:** August 9, 2002

**SUBJECT:** Publication for the Office of Zoning

Please publish the following in the D.C. Register on August 16, 2002:

1. Z.C. Order No. 746-C (Z.C. Case No. 01-17M/93-5F/91-18P); and
2. Z.C. Order No. 700-F (Z.C. Case No. 01-05TE/00-08TE/90-20F/87-4P).

*APB*

Received By

*8/9/02*

Date

Attachments

ZONING COMMISSION  
District of Columbia  
Case *01-17*  
ZONING COMMISSION  
District of Columbia  
Case NO. 01-17  
EXHIBIT NO. 86

**Zoning Commission Order No. 746-C**  
**Zoning Commission Case No. 01-17M/93-5F/91-18P**  
**(Modification to the Planned Unit Development at**  
**1957 E Street, N.W.)**  
**June 10, 2002**

Pursuant to Notice, the Zoning Commission for the District of Columbia held public hearings on Thursday, November 15, 2001, and on Thursday, January 17, 2002, to consider an application from The George Washington University for a modification to an existing planned unit development ("PUD"), pursuant to Chapters 1 and 24 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearings were conducted in accordance with the provisions 11 DCMR § 3022.

**FINDINGS OF FACT**

1. On August 31, 2001, The George Washington University ("University") filed an application for a modification to a PUD previously approved by the Zoning Commission in Order No. 746, Case No. 93-5F/91-18P, as extended by Order Nos. 746-A and 746-B for the property located at 1957 E Street, N.W., lot No. 29 (formerly lot 835) in Square 122 ("Subject Property"). The PUD modification application is processed as a second stage PUD application.
2. The original PUD changed the zoning of the Subject Property from the SP-2 Zone District to the C-3-C Zone District by Zoning Commission Order No. 746, effective December 10, 1993. It permitted the construction of a mixed-use project, with a floor area ratio ("FAR") not to exceed 7.96, of which not more than 5.79 FAR was to be devoted to commercial use and not less than 2.17 FAR was to be devoted to residential use. The height of the PUD project was not to exceed 107 feet, exclusive of penthouses. The PUD project was to be developed with 47 to 56 residential units and a minimum of 200 on-site parking spaces.
3. The George Washington University purchased the Subject Property in 1999.
4. Before making this purchase, the University obtained a series of confirmations from the Office of the Zoning Administrator approving non-major changes it sought to make to the approved PUD plans. After the University purchased the Subject Property, it received a building permit approving the construction of the project, under the original PUD order.

Advisory Neighborhood Commission ("ANC") 2A and the West End Citizens Association ("WECA") filed an appeal of the issuance of this building permit. On June 5, 2001, in BZA Order No. 16701, the BZA overturned the Zoning Administrator's ruling and the building permit stating that the Zoning Administrator had exceeded his discretion and that the proposed changes should be presented to the Zoning Commission as a PUD modification. The University then filed this PUD modification application.

5. The PUD modifications requested by the University are as follows:
  - a. The elimination of open balconies in the residential portion of the building;
  - b. A change in building materials for the building - from granite/limestone cladding to limestone for the first two floors and to a pre-cast limestone aggregate for the upper levels;
  - c. The elimination of one of two parking garage entrances;
  - d. Inclusion of academic uses in the commercial portion of the building; and
  - e. The elimination of one loading dock in order to provide ground floor retail.
  
6. The applicant entered into an Agreement with WECA, which had been granted party status in the BZA appeal and likewise by the Zoning Commission in this proceeding since it represented residents and property owners within the area that is affected by this project and thus is specially affected by this application. In the agreement, the University agreed to the following conditions in return for WECA's support of the PUD modification.
  - a. The building shall include approximately 3,300 square feet of community-oriented retail space. An additional 1,700 square feet of community-oriented retail space shall be included in the University's Mitchell Hall located at 514 19<sup>th</sup> Street, N.W., immediately north of the subject property.
  - b. The University agreed to restrict loading dock truck deliveries to times other than 7:00 a.m. to 9:30 a.m. and 4:00 p.m. to 6:30 p.m., Monday through Friday.
  - c. The University agreed to limit construction hours to between 7:00 a.m. and 7:00 p.m. Monday through Saturday.
  - d. The University agreed to implement the same landscaping plan that was proposed in the original PUD order.



- e. The University agreed to restrict student residential occupancies in the building to juniors, seniors, graduate students, and students enrolled in an honors program.
  - f. The University agreed to provide a total of \$500,000 to a new foundation for the operation of a program to provide free or reduced-rate meals for poor residents of the District of Columbia and the homeless.
  - g. The University agreed to comply with all provisions of the D.C. Environmental Policy Act on all future campus construction projects.
  - h. The University agreed to make a proffer, as a proposed condition in the Campus Plan case then pending before the District of Columbia Board of Zoning Adjustment, to restrict freshman and sophomores living in the Foggy Bottom/West End Area (as defined on page 11 of the BZA Order dated March 29, 2001) from bringing cars to school or parking in the Foggy Bottom/West End Area, with certain exceptions for whom the University would arrange for parking in University parking facilities, and that the University would publish in its printed materials this restriction, i.e., that such freshman and sophomores living in the Foggy Bottom/West End Area may not bring cars to school.
7. Hearings were held by the Zoning Commission on Thursday, November 15, 2001, and on Thursday, January 17, 2002.
  8. Commissioner John Parsons recused himself, citing a business relationship with ANC 2A's legal counsel, James Draude.
  9. The Zoning Commission incorporates the record of the original PUD case into this PUD modification case.
  10. Thomas Butcavage, the University's architect, recognized by the Commission as an expert witness, testified to the proposed modifications. Mr. Butcavage explained how the design changes evolved through submissions to the United States Commission of Fine Arts, design refinements and consultations with the Office of the Zoning Administrator leading to his filing of a building permit application, which was then approved, by the District of Columbia Department of Consumer and Regulatory Affairs. Regarding the change of balconies, Mr. Butcavage testified that the open balconies actually weakened the design of the building and the monumentality that the design was intended to create. Regarding the change in the exterior building materials, Mr. Butcavage presented a materials board with samples of the proposed materials and testified that the new materials were visually indistinguishable from those approved in the original PUD. He indicated that the University was maintaining natural limestone at the base to a height of approximately 30 feet, with a cast aggregate limestone above 30 feet to the building roof. Mr. Butcavage also testified that the effect of the elimination of the parking garage

entrance on 20<sup>th</sup> Street was an improvement because it is better to collect such parking in one location. He also stated that the provision of the community-oriented retail in the subject building would replace one of the two planned loading docks. He testified that the elimination of the loading dock and parking entrance resulted in a more appealing street façade and would have no material effect on loading or parking activities. The materials and the complete exterior design were approved by the United States Commission of Fine Arts.

11. Mr. Butcavage testified that the residential portion of the building is designed to be the equivalent of market rate apartments with kitchens, living rooms, washers and dryers, bathrooms, and other amenities indicative of market rate apartments and not a dormitory. He also stated that he evaluated the uses permitted in the commercial portion of the building and determined that the University's proposed uses, office (approximately 82%) and academic (approximately 18%) uses were permitted under the original PUD. He described that office uses today include many classroom-like features such as conference centers, large meeting rooms and the like, and University uses are allowed as matter-of-right in the C-3-C Zone District.
12. Mr. Butcavage opined that from a land use and architectural perspective, the proposed modification creates no additional impacts from the original PUD.
13. Nicole White, of Gorove-Slade Associates, recognized by the Zoning Commission as an expert in transportation planning and traffic engineering, testified that the change in the planned use of the subject building, from office and residential to office/academic and student residential, would result in an overall reduction of trip generation and less traffic than would have been generated under the original PUD. Ms. White also testified that eliminating the driveway access off of 20<sup>th</sup> Street would cause a diversion of some traffic, but would still be less traffic than that expected under the original PUD.
14. Charles Barber, Senior Counsel of The George Washington University, testified that the subject project is appropriately situated to contain student residents and an academic/office building, because of its location in a square with two (2) existing University dormitories and its proximity to the State Department.
15. Kathleen Reilly, Director of Public Affairs of the Elliott School of International Studies, the University's proposed occupant of the commercial portion of the project, testified as to the importance of the Elliott School's role in international affairs and the community. She described the deficiencies in the school's current building and described how its role would be enhanced by the project and the project's proximity to the State Department and the World Bank.
16. The University submitted a list of types of community-oriented retail uses that the University would provide. The permitted uses would include uses that would be attractive to both the University community as well as the non-University community in Foggy Bottom. Examples of these uses include, but not are limited to, a provisions or dry

goods store, coffee shop, delicatessen, bakery, or other establishment serving pre-prepared foods, or a beauty salon/barber shop. The sale of alcoholic beverages would not be permitted in the retail space or any use that does not permit, or would be inappropriate for, sales of goods or services to minors.

17. Mr. Barber testified that all the properties within Square 122 were University properties, with the exception of a commercial parking garage, and that the subject building was otherwise surrounded by large institutional buildings and an open plaza.
18. The University submitted into the record a Comparison of Benefits which showed that the University's use of the project substantially exceeds the benefits that would have flowed from the project if it had been built by the original PUD owner. The University also submitted a detailed analysis as to how this PUD modification is consistent with the District of Columbia Comprehensive Plan.
19. The Office of Planning ("OP") issued a report and testified that the PUD Modification was not inconsistent with the Comprehensive Plan and that the subject building would not create congestion in this part of the city. OP also noted that it was important to the community to provide more student housing. OP recommended that the Zoning Commission approve the PUD modification application.
20. DPW submitted a report dated November 16, 2001, into the record which stated that the changes in the site plan from the PUD modification will generate less traffic than the original PUD.
21. ANC 2A was a party in opposition to the PUD modification. Elizabeth Elliott, the Single Member District representative for this area, submitted written testimony that ANC 2A was opposed to the PUD modification because it believes that: the proposed modification represents a fundamental change to the purpose, benefits, and amenities included in the original PUD since it would be residential housing for students only; is not consistent with the District Elements of the Comprehensive Plan for the National Capital; eliminates all of the major benefits and amenities generated by the original PUD; represents an unwarranted expansion of the University beyond its approved Campus Plan boundaries; and is based on inadequate traffic analysis.
22. ANC 2A also offered Dr. Sol Shalit as an expert witness in economics. Dr. Shalit testified in opposition to the PUD modification that the amenities and benefits proposed by the University were not comparable to those proposed in the original PUD.
23. Barbara Kahlow, representing WECA, testified in support of the PUD modification. Ms. Kahlow testified that WECA, which was founded in 1910 and is the principal community organization in the University's neighborhood, executed an agreement with the University that provides both on-site and off-site amenities and other protections for the immediately impacted community. She further stated that the settlement agreement

benefits not only the immediately impacted community east of Washington Circle but also other elderly and poor residents of the District of Columbia.

24. Ms. Kahlow testified that WECA supports the University's PUD modification on the condition that the Zoning Commission include in its order all substantive provisions in the WECA - University Agreement including, but not limited to, the provision of 5,000 square feet of retail space, a \$500,000 grant to a community-based foundation, compliance by the University with the D.C. Environmental Policy Act for all future campus projects, restrictions on deliveries to the project, restriction on residential occupants of the project to upperclass and honors students, and restricting parking in the Foggy Bottom/West End area for University students living in the area.
25. Sara Maddux, Board Member of WECA and a resident of Monroe House Condominium at 522 21<sup>st</sup> Street, N.W., testified in support of approval of the PUD modification. Ms. Maddux had been the Chair of ANC 2A and primarily responsible for the ANC's successful negotiations with the original owner of the PUD. Ms. Maddux commended the University's commitment to provide much desired community-oriented retail and especially its commitment to publishing a policy for reducing vehicles on campus.
26. Dorothy Miller and Laetitia Combrinck, residents in the area, testified in opposition to the PUD modification, because they believe the PUD amenities and benefits are not sufficient. They presented a petition signed by residents in the area supporting their position.
27. At its decision meetings of March 11, 2002 and April 19, 2002, the Commission gave the University an opportunity to provide into the record an enhanced benefits/amenities package. On March 27, 2002 and April 23, 2002, the University responded with additional amenities including: (a) the incorporation of the Foggy Bottom Feeding Foundation, Inc.; (b) the commitment to donate \$500,000 during the next five years for the feeding program; (c) the re-establishment of a Scholl's Cafeteria in a University-owned facility; (d) contribution of an additional \$250,000 to build out the cafeteria space; (e) a commitment to ensure that neighborhood retail uses are actually realized in the project; (f) enhanced use of the University police for security patrols in, and around, the neighborhood; (g) enhancement of the University's partnership with the District of Columbia Public School Without Walls; (h) staff support for community outreach in the area by the West End Public Library; (i) increased access for neighborhood residents to cultural events sponsored by the University; and (j) a number of other "good neighbor initiatives" suggested by the community residents.
28. WECA and ANC 2A responded to the University's enhanced amenities/benefits package. WECA generally supported it; the ANC continued to oppose the PUD because it believed that the amenities/benefits package was not sufficient.
29. The Zoning Commission finds that the proposed changes enhance the original PUD project because the residential portion of the building will house University students in a

University-controlled setting and the use of the commercial/academic portion of the building to house the Elliott School of International Affairs will be a benefit to the District of Columbia. Additional benefits including jobs, revenues, the provision of 5,000 square feet of neighborhood retail, compliance with the District's environmental policies, the \$750,000 donation to benefit the elderly and poor in the neighborhood, the enhanced programs with the School Without Walls, the community outreach, and the West End Library programs, are superior to the original PUD, in as many of the original amenities suggested in the original PUD were unenforceable.

30. The Zoning Commission credits the design expertise of the United States Commission of Fine Arts with regard to the changes in the building's exterior materials open balconies, elimination of the garage door, and approving the overall building design.
31. The Zoning Commission credits the opinions of OP, DPW, and the University's expert witnesses in architecture and transportation that the PUD modification would not have an adverse impact on the surrounding community or on the District of Columbia.
32. The Commission notes that the University's agreement with WECA required the University to make a proffer to the BZA regarding student parking in Foggy Bottom/West End Area. The University attempted to make such a proffer, but it was not acted on by the BZA. Consequently, the University, by letter dated February 8, 2002, made part of this record, will voluntarily adopt and publish this policy beginning in University documents for Fall 2002. The University intends to maintain this policy at least until June 30, 2009, the stated duration of the current Campus Plan. If, prior to this time, changed circumstances warrant a modification of this policy, the University will make such modifications only with the agreement of WECA. WECA, by letter dated February 9, 2002, and made part of this record, expressed satisfaction with this commitment by the University.
33. The Commission concludes that the PUD modification is not inconsistent with the District Elements of the Comprehensive Plan for the National Capital because the project will promote continued contributions made by private institutions toward the economic and cultural vitality of the District; it will promote the District as the national center for international business and financial activity; it will provide housing for District residents; it will provide desired student housing. Also, the project's design will maintain and enhance the physical integrity and character of the District as the Nation's Capital. The Commission concludes that the PUD modification is specifically not inconsistent with the Ward 2 Element of the Comprehensive Plan because the project would utilize the potential of the University to create an expanded center of knowledge and learning in the center of Washington and it would provide residential space to alleviate some of the pressure on the existing housing stock by students needs. Finally, the provision of a mixed-use, high-density project is consistent with the Comprehensive Plan General Land Use Map's designation for the subject site.

### CONCLUSIONS OF LAW

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.
2. This PUD modification carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the construction of well planned developments that will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. Approval of this application as a modification to the original PUD is provided for under the regulations and is appropriate within this regulatory scheme for carrying PUDs to final completion.
4. Approval of this PUD modification is appropriate, because the application is consistent with the present character of the area.
5. The Commission takes note of the position of ANC 2A and has accorded to the ANC the "great weight" consideration to which it is entitled. The Commission concludes, nevertheless, that the University has shown that the project is not a fundamental change to the purpose, benefits, and amenities included in the original PUD; that it is consistent with the Comprehensive Plan, as stated in the Findings of Fact noted above; that it provides a level of amenities and benefits superior to that in the original PUD; that it represents an appropriate expansion of the University campus, based on the character of the surrounding area. The Commission also concludes that the University has shown that traffic generation will be less under the modified PUD project than it would have been under the original PUD and that approval of the PUD modification will not be disruptive or injurious to neighboring properties.
6. The approval of the Application will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
7. The changes to the original PUD requested here with regard to the balconies, garage doors, loading facilities, and use are consistent with the design and intent of the original PUD as represented in Z.C. Order No. 746.
8. The proposed modification can be approved with conditions, which will ensure that development will not have an adverse effect on the surrounding area.
9. Approval of this PUD, as noted in the Findings of Fact above, is not inconsistent with the Comprehensive Plan.
10. The Application is subject to compliance with DC Law 2-38, the Human Rights Act of 1977.

## DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission of the District of Columbia orders **APPROVAL** of this application for modification to the original PUD approved by Zoning Commission Order Nos. 746, 746-A, and 746-B, for property located in Square 122, lot 29 (formerly lot 835), subject to the following guidelines, conditions, and standards:

1. The project shall be built in accordance with the Plans, dated prepared by the Smith Group, and marked as Exhibit 16 of the record.
2. The Project shall include 3,300 square feet of on-site retail space. This retail space will include an area formerly designated as the loading dock on the residential side of the building.
3. The University shall restrict all deliveries to the project to loading dock located on the east side of the Building, the underground parking garage, and the E Street entrances.
4. The University will also provide 1,700 square feet of general retail space in Mitchell Hall, located at 514 19<sup>th</sup> Street, NW, immediately north of the building, and will encourage use of this retail space through appropriate signage.
5. The University shall restrict truck deliveries via the loading dock to times other than 7:00 A.M. to 9:30 A.M. and 4:00 P.M. to 6:30 P.M., Monday through Friday.
6. The construction hours for the Project shall be limited to 7:00 A.M. to 7:00 P.M. Monday through Saturday. The University shall appoint a telephone contact for receiving and responding to complaints concerning the impact of construction on the surrounding community. The University may request a special permit to work extended hours only to address circumstances constituting a threat to public safety, health, and welfare. In seeking such a special permit, The University shall consult with a committee of neighborhood residents to be established and take appropriate action to mitigate any adverse impact on surrounding properties from such extended work hours.
7. The University shall implement the same landscaping plan for the project as that approved in the original PUD.
8. The University shall restrict residential occupancy in the project to juniors, seniors, graduate students, and students enrolled in an honors program.
9. The University shall provide the following amenities as part of this PUD and the University shall provide a written report on the status of these amenities, annually from the effective date of this Order, to the Zoning Administrator of the District of Columbia, ANC 2A, and WECA. Where reports on individual amenities are referenced below, such reports will be included in the annual report, unless otherwise indicated.

- (a) The University shall contribute \$500,000 over five (5) years for the purpose of operating a program of providing meals at reduced rates for the needy, elderly, and other low-income residents of Foggy Bottom (the "Feeding Program") at one or more food service venues in Foggy Bottom, such as venues in University-owned or leased facilities. The \$500,000 contribution will be \$100,000 a year for five (5) years to the Foggy Bottom Feeding Program Foundation, Inc. (the "Foundation"), an established District of Columbia nonprofit corporation organized by the representatives of the University and WECA. The Foundation will set the eligibility requirements and provide oversight for the Feeding Program. The first \$100,000 contribution shall be made on the date of the Certificate of Occupancy for the Subject Property. Subsequent payments shall be made on the next four succeeding anniversaries of the Certificate of Occupancy. In addition to the \$500,000 contribution, the University shall pay for the build-out of University food service venues, if necessary, in an amount not to exceed \$250,000. The University will also pay the cost of securing all necessary permits to operate the Feeding Program at the University venues. The contribution shall be conditioned so that no portion of the \$500,000 contribution or the \$250,000 "build-out" referenced above may be used for salaries, expenses, and other costs relating to administering the Feeding Program. The entirety of the \$500,000 contribution paid by the University shall be conditioned upon its exclusive use to provide food and meals to needy, elderly, and other low-income residents. If, for any reason, the Feeding Program cannot operate as described above, or the Feeding Program fails to comply with the above-stated funding condition, then the University shall pay \$100,000 a year to an existing, nonprofit food service program selected by the Foundation until (a) the Feeding Program begins or resumes operation; (b) the Feeding Program achieves compliance with the funding condition; or (c) the \$500,000 is fully expended, whichever comes first. The University shall provide evidence of the annual payments for the Feeding Program each year to the Zoning Administrator, with copies to ANC 2A and WECA.
- (b) The University shall use its best efforts to fill the retail space called for in this Order (in 1957 E Street and Mitchell Hall) with appropriate retail tenants. In the event that the University, despite its best efforts, is unable to rent the space within one (1) year of the issuance of the certificate of occupancy for the subject property, the University shall commence operation of the retail operation in the space under its own authority within that time frame pursuant to any required District approvals. The University shall provide status reports on such retail operations on an annual basis to the Zoning Administrator, WECA, and ANC 2A.



- (c) The University's Police Department ("UPD") shall, to the extent of its authority, patrol areas to the south of the University's Foggy Bottom campus to deter criminal activity and to respond to events as needed. This patrol area shall consist of the area outside of the Campus Plan bounded by F Street on the north, 19th Street on the east, E Street and Virginia Avenue on the south, and 23rd Street on the west (the "Patrol Area"). Currently, UPD does not have arrest authority in the Patrol Area, but its responses shall include, as appropriate, immediate calls to the D.C. Metropolitan Police Department ("MPD") or emergency ambulances when such assistance is needed. The University shall include any crime statistics from the Patrol Area in the "public property" portion of the annual Campus Security Act report made available to the public. District legislation is currently being developed which would afford organizations like the UPD police powers in the Patrol Area, pursuant to an agreement with the MPD. Under such legislation, UPD would be authorized to make arrests in the Patrol Area. If such legislation is enacted, the University shall seek an agreement with MPD for this purpose within two (2) months after the effective date of the new legislation.
- (d) The University, in cooperation with local authorities, shall enforce the prohibition on the placement of posters, flyers, and similar materials in areas in and around the Foggy Bottom Campus other than spaces designated for postings, and shall participate in the cleanup of materials improperly posted. The University shall designate staff in the Community Living and Learning Center for this purpose. The University shall track illegal postings and shall refer student violators to the University's Student Judicial Services for appropriate sanctions. For non-University violators, the University shall make written requests to such violators to cease and desist, and shall report repeat offenders to the appropriate District agencies. The University shall make an annual report of its activities, including the number of violators identified and actions taken with respect to such violators, to the District of Columbia Clean City Coordinator, as well as the Zoning Administrator, WECA, and ANC 2A.
- (e) The University shall support, in communication directed to the District Division of Transportation, the long-standing request of community residents for the placement of a traffic light at the intersection of 21<sup>st</sup> and F Streets, N.W. This communication shall be made within two (2) months of the date of the order approving the PUD Modification. If the District of Columbia approves the light, the University shall contribute the sum of \$10,000 towards the installation of this light.
- (f) The University shall permit students and faculty from the School Without Walls ("SWW") to take cumulatively up to 120 University college courses each year for credit or enrichment for a minimum of five (5) years without

charge for tuition, with first preference going to students whenever possible. SWW shall be permitted to select the courses attended, however access to specific courses may be limited on a space available basis. The value of such courses as measured by forgone tuition under current rates is \$360,000 a year, for a five (5) year commitment of \$1.8 million. The University shall secure from the principal of SWW an annual verification of the receipt of these course opportunities each year and include it in its annual report to the Zoning Administrator, WECA, and ANC 2A.

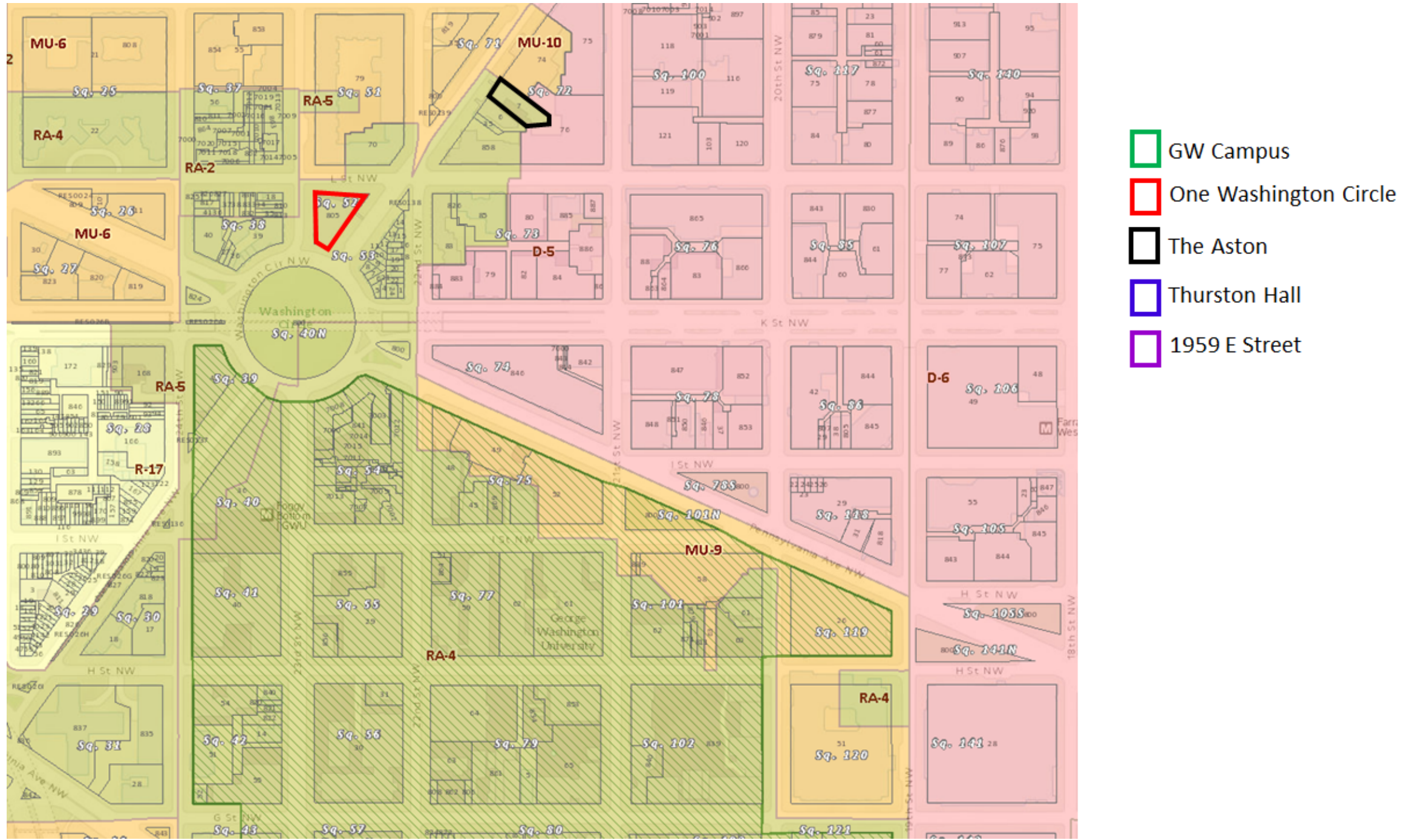
- (g) The University shall provide priority seating for non-student Foggy Bottom residents at productions of CNN's longest running political debate program, "Crossfire," for so long as such program is broadcast from the University's School of Media and Public Affairs. Non-student residents of Foggy Bottom shall, upon request, be given priority seating at no charge for up to 20 seats at each broadcast.
  - (h) The University shall provide, in response to a request of the D.C. Public Libraries, a graduate student committed to working for the West End Public Library (the "Library") for at least 20 hours a week for the purpose of conducting a program of outreach for the Library into the Foggy Bottom and West End communities. This graduate student shall be provided at no cost to the Library. The University shall pay for the graduate student's tuition, room and board, and an appropriate stipend, and will require the work for the Library as a component of his/her education. The University will identify prospective graduate students in appropriate disciplines for this program and the Library may select the student of its choice. Each graduate student selected shall be obligated to work for a minimum of one (1) year. The University's obligation shall commence this year and continue for at least four (4) additional years. The University shall secure an annual verification of this program from the Library and include it in its report to the Zoning Administrator, WECA, and ANC 2A.
10. The University shall enter into a First Source Agreement with the District of Columbia Department of Employment Services for the project.
  11. The University shall enter into a Local, Small, and Disadvantaged Business Enterprises (LSDBE) Memorandum of Understanding with the District of Columbia Department of Human Rights and Local Business Development for the project.
  12. The University shall comply with the D.C. Environmental Policy Act (D.C. Code § 6-981 *et seq.*), subject to any applicable amendments, regulations or judicial interpretation, on all future campus construction projects.

This order was adopted by the Zoning Commission at its public meeting on July 8, 2002, by a vote of 4-0-1 (Peter G. May, Carol J. Mitten, Anthony J. Hood, and James H. Hannaham to adopt; John G. Parsons not voting, having recused himself).

In accordance with the provisions of 11 DCMR § 3028.8, this order shall become final and effective upon publication in the D.C. Register; that is, on \_\_\_\_\_.

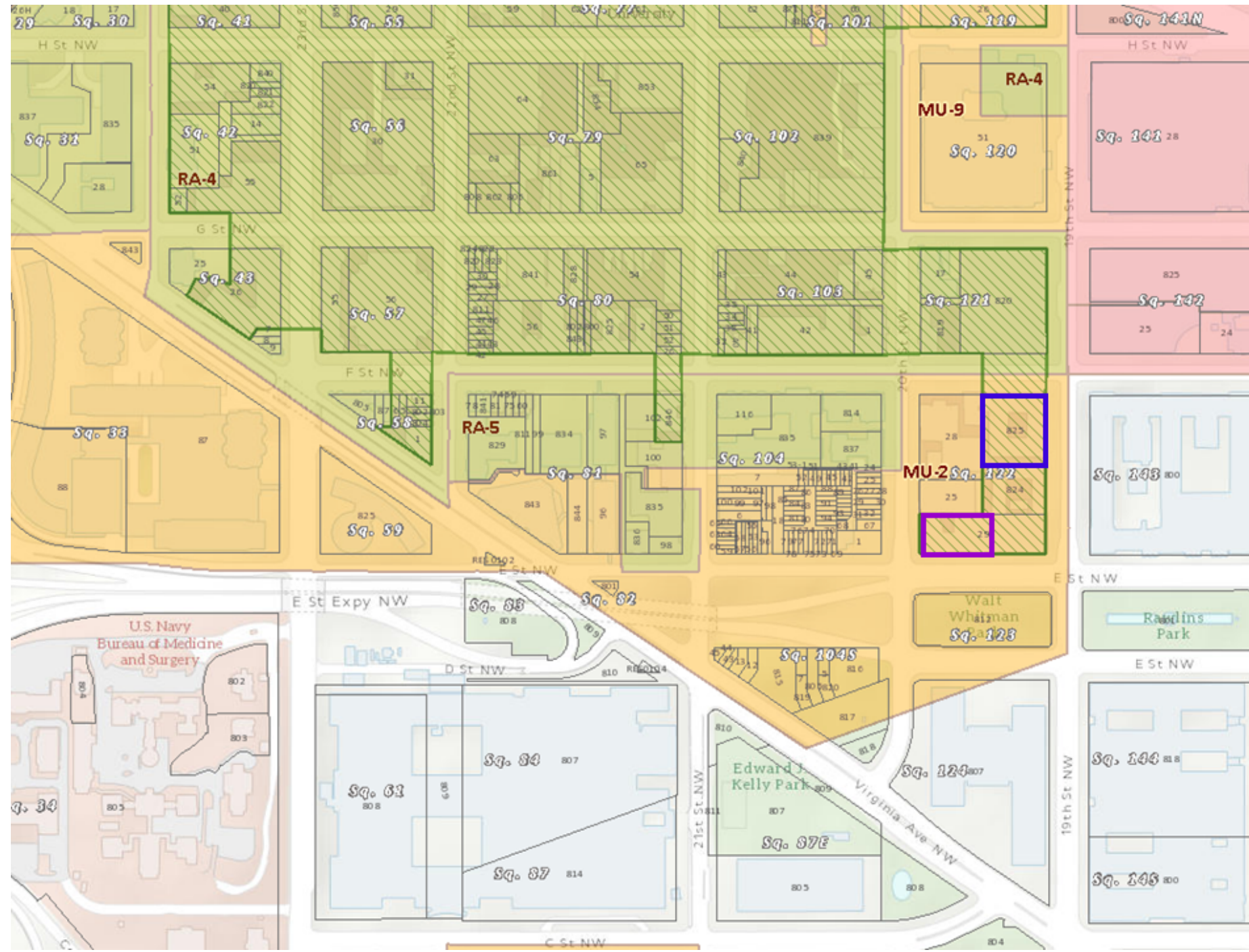
# EXHIBIT E

### GW Zone Map Showing Location of Proposed Housing Sites (Pg. 1 of 2)



- GW Campus
- One Washington Circle
- The Aston
- Thurston Hall
- 1959 E Street

### GW Zone Map Showing Location of Proposed Housing Sites (Pg. 2 of 2)



- GW Campus
- One Washington Circle
- The Aston
- Thurston Hall
- 1959 E Street

# EXHIBIT F

**EXHIBIT F**  
**CERTIFICATE OF NOTICE**

I HEREBY CERTIFY that a copy of the Notice of Intent to File a Zoning Application for a Modification to Conditions of an approved Planned Unit Development for the George Washington University (the “University”) was mailed to Advisory Neighborhood Commission (“ANC”) 2A and to the owners of all property within 200 feet of the perimeter of the Subject Property (hereinafter defined) on April 19, 2019, as required by the Zoning Regulations of the District of Columbia, 11 DCMR (Zoning), Subtitle Z, Section 300.7. The Notice of Intent was sent to all owners within 200 feet of the PUD property.

The University has commenced extensive community outreach regarding the proposed modification, including the following ANC meetings bolded below:

- Campus Plan Advisory Committee (CPAC)– Announcement – March 18, 2019
- **ANC 2A March Meeting – Informational Presentation regarding Temporary Housing Plan– March 20, 2019**
- Meeting between University President and ANC Commissioners – March 23, 2019
- Foggy Bottom Association Meeting – March 26, 2019
- **ANC 2A May Meeting – Update regarding Temporary Housing Plan – May 15, 2019**
- **Special Meeting with Members of ANC 2A and community members from single-member district 2A06 regarding Temporary Housing Plan – May 29, 2019**
- CPAC – Update and Discussion regarding Temporary Housing Plan; Presentation regarding Thurston Hall Renovations – June 17, 2019

The University also met with the Office of Planning and the Historic Preservation Office in March 2019, April 2019, and July 2019.

As a result of these meetings, the University has supplemented and clarified details regarding its Temporary Housing Plan. This includes:

- Specific student life staffing plans for student housing at the Aston and One Washington Circle;
- Integration of operational and physical measures to address quality-of-life concerns (such as limitations on balcony and pool use);
- Detailed additional information regarding the specific measures that will be used to accommodate the temporary loss of beds at Thurston Hall, including undergraduate enrollment adjustments; and

The University will continue to consider and address comments from the community and agencies.

\_\_\_\_\_  
/s/  
David M. Avitabile



NOTICE OF INTENT TO FILE A ZONING APPLICATION  
APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR  
MODIFICATION TO CONDITIONS OF AN APPROVED PLANNED UNIT  
DEVELOPMENT IN Z.C. ORDER NO. 746-C

APRIL 19, 2019

The George Washington University (“University”) gives notice of its intent to file an application for modification of an approved condition of approval for the Planned Unit Development (“PUD”) approved in Z.C. Order No. 746-C (Order”). The PUD is located on property known as Square 122, Lot 29.

The Order, together with previous orders related to the PUD, approved the construction of a mixed-use building containing University-related academic, commercial, and residential uses. The residence hall component is known as 1959 E Street NW. Condition 8 of the Order limited the use of the residence hall to juniors, seniors, graduate students, and students enrolled in an honors program. The University seeks permission to modify this condition for a two-year period to allow for second-year students to live in the residence hall. The modification is sought as part of a larger “Temporary Housing Plan” to accommodate the renovation of the nearby Thurston Hall, which is a first-year residence hall. The modification will provide the University with flexibility to house second-year students at 1959 E Street during the renovation of Thurston Hall. Following the expiration of the two-year period, Condition 8 will come back into effect. Other modifications related to the Temporary Housing Plan as well as approvals related to the renovation of Thurston Hall will be considered in concurrent applications. Notice of intent to file these applications will be mailed under separate cover.

Representatives of the University have engaged the leaders of Advisory Neighborhood Commission (“ANC”) 2A, the West End Citizens Association (“WECA”), and the Foggy Bottom Association (“FBA”) in initial discussions regarding the Temporary Housing Plan, including the modification to Condition 8 of the Order. To this end, the Temporary Housing Plan and this related modification were introduced at the Campus Plan Advisory Committee (“CPAC”) meeting on March 18, 2019 and at a regularly-scheduled ANC 2A meeting on March 20, 2019. Pursuant to Subtitle Z, Section 300.9 and 302.8, the University will present the proposed modification and further processing applications to ANC 2A at an upcoming public meeting. The University is available to discuss the proposed applications with all interested groups and individuals.

The applications will be filed with the District of Columbia Zoning Commission under Subtitle X, Chapters 1 and 3, and Subtitle Z, Sections 300.1, 302.1 and 704.1 of the District of Columbia Zoning Regulations, 11 DCMR (effective September 6, 2016, as amended), not less than forty-five (45) days from the date of this Notice, which is given pursuant to Subtitle Z, Sections 300.7 and 302.6 of the Zoning Regulations. The land use counsel is Goulston and

Storrs. If you require additional information regarding the applications, please contact David Avitabile at [davitabile@goulstonstorrs.com](mailto:davitabile@goulstonstorrs.com) or 202-721-1137.

# EXHIBIT G

**NAME AND MAILING ADDRESS OF THE OWNERS OF ALL PROPERTY WITHIN  
200 FEET IN ALL DIRECTIONS FROM ALL BOUNDARIES OF THE PROPERTY  
INVOLVED IN THE APPLICATION  
[GWU – Thurston - LOT 29]**

<u>SQUARE</u>	<u>LOT</u>	<u>PREMISES ADDRESS</u>	<u>OWNER AND MAILING ADDRESS</u>
104	834	2025 E Street NW	Mr. Peter May
123	812	NW	National Park Service
143	800	1803-1811 E Street NW	United States of America
143	801	NW	1100 Ohio Drive SW Washington DC 20242
104	837	532 20th Street NW	Columbia Realty Venture 5301 Wisconsin Avenue NW, Suite 600 Washington DC 20015-2044
104	2148-	2025 E Street NW	United States of America
	2150		Administrator of General Services
104	2152	2025 E Street NW	301 7th Street SW, Room 1065
104	2154	2025 E Street NW	Washington DC 20229-0007
104	2151	2025 E Street NW	United States & American Red Cross
104	2153	2025 E Street NW	431 18Tth Street NE
104	2155-	2025 E Street NW	Washington DC 20002-4607
	2161		
122	25	515 20th Street NW	All States Hotel Company LLC 1666 K Street NW, Suite 430 Washington DC 20006-1223
			ANC 2A c/o West End Library 2301 L Street NW Washington DC 20037
			Foggy Bottom Association Marina Streznewski, President 904 New Hampshire Avenue NW Washington DC 20037
			West End Citizens Association c/o Barbara Kahlow 800 25th Street NW Washington DC 20037